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REMARKS

Claims 1 - 18 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

Claims 1 - 18 stand rejected under 35 U.S.C. § 102(b) as anticipated by Melsky (U.S. Pat. No. 5,147,483). In response to the arguments submitted in the Amendment filed September 7, 2006, the Examiner states that Melsky contains an access port, a septum, an attachment portion, an annular surface and a chamfer as claimed. However, the Examiner does not point to specific elements of the Melsky device which correspond to these claim elements and the Examiner provides no discussion of the specific claim language. Thus, it is respectfully submitted that the Examiner has failed to fully consider the arguments previously advanced and the claims are allowable for the reasons previously stated.

Specifically, claim 1 recites an access port comprising a septum including an operative surface covering an opening of a housing and an attachment portion for securing the septum to the housing and further including “*an annular surface extending radially beyond a periphery of the operative surface and separated from the operative surface in a direction substantially perpendicular to the annular surface.*” Claim 1 further states that the annular surface is *coupled to the operative surface by a chamfer which, when the septum is mounted within the housing, is subject to a force oriented substantially perpendicularly with respect to the annular surface*, the chamfered portion redirecting a portion of the force to compress the operative surface in a direction substantially parallel to the annular surface.”

Similarly, claim 12 recites a septum comprising an “attachment portion including an annular surface” and an operative surface having a periphery “*radially within a periphery of the annular surface*” and “*a chamfered portion providing a transition between the attachment portion and the operative surface, the chamfered portion re-directing a component of a force applied to the chamfered portion to compress the operative surface.*”

In contrast, the septum of Melsky includes no attachment portion including an annular surface “extending radially beyond a periphery of the operative surface [of the septum] and

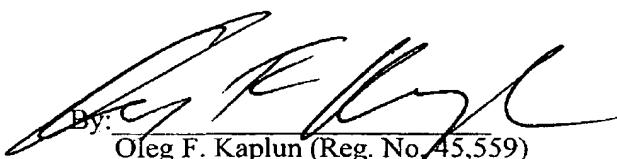
separated from the operative surface in a direction substantially perpendicular to the annular surface,” as recited in claim 1. Nor does Melsky either show or suggest that such an annular surface be “coupled to the operative surface by a chamfer which, when the septum is mounted within the housing, is subject to a force oriented substantially perpendicularly with respect to the annular surface,” as recited in claim 1. Rather, Melsky simply shows a septum with an angled side surface (i.e., a substantially trapezoidal cross-section) that extends across the entire thickness of the septum and does not couple an operative surface to an annular attachment portion. Specifically, it is respectfully submitted that the stepped shape of the septum 50 shown in Fig. 2 of Melsky depicts the septum 50 in a compressed state into which it is forced by the inner shape of the housing as made clear by Figs. 3A and 3B. In fact, as made clear in Fig. 3A, the septum 50 includes only an angled side surface which forms a portion of a cone and includes no “*annular surface extending radially beyond a periphery of the operative surface and separated from the operative surface in a direction substantially perpendicular to the annular surface*,” as recited in claim 1. Specifically, Melsky describes the septum 50 as domed and “frusto-conical” and states that, upon insertion, the elastic restoring forces cause the septum section 82 to deform about and conform to the notches 90. (Specification, col. 6, lines 45 - 65). As the septum 50 includes no annular surface as recited, it is further submitted that there is also no chamfer coupling the annular surface to the operative surface as recited in claim 1.

Similarly, it is submitted that Melsky neither illustrates nor describes a septum having any of: 1) an “attachment portion including *an annular surface*;” 2) an operative surface having a periphery “*radially within a periphery of the annular surface*;” or 3) “*a chamfered portion providing a transition between the attachment portion and the operative surface, the chamfered portion re-directing a component of a force applied to the chamfered portion to compress the operative surface*,” as recited in claim 12.

It is therefore respectfully submitted that claims 1 and 12 are not anticipated by Melsky and that this rejection should be withdrawn. Because claims 2 - 11 and 13 - 18 depend from and, therefore, include the limitations of one of claims 1 and 12, it is submitted that these claims are also allowable.

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,



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